

Label: "Reinitiation of Section 7 Consultation/OSMRE-2019-00014"

Created by:gowens@osmre.gov

Total Messages in label:5 (3 conversations)

Created: 12-13-2018 at 15:03 PM

Conversation Contents

Briefing Memo for ASLM - Section 7 Consultation

Attachments:

/1. Briefing Memo for ASLM - Section 7 Consultation/1.1 OSMRE Section 7 Consultation and MOU Update - 11-28-17.docx
/1. Briefing Memo for ASLM - Section 7 Consultation/2.1 OSMRE Section 7 Consultation and MOU Update - 11-28-17.docx

"Payne, Harry" <hpayne@osmre.gov>

From: "Payne, Harry" <hpayne@osmre.gov>
Sent: Tue Nov 28 2017 07:56:55 GMT-0700 (MST)
To: Glenda Owens <gowens@osmre.gov>
Subject: Briefing Memo for ASLM - Section 7 Consultation
Attachments: OSMRE Section 7 Consultation and MOU Update - 11-28-17.docx

Hi Glenda, see attached draft briefing for Kate ... we should meet to discuss sometime this week (except Friday).

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Harry J. Payne
Chief, Division of Regulatory Support
Office of Surface Mining Reclamation and Enforcement
1849 C Street NW
Mail Stop 4550
Washington, DC 20240
202-208-2895

"Payne, Harry" <hpayne@osmre.gov>

From: "Payne, Harry" <hpayne@osmre.gov>
Sent: Thu Nov 30 2017 14:13:54 GMT-0700 (MST)
To: Glenda Owens <gowens@osmre.gov>
Subject: Fwd: Briefing Memo for ASLM - Section 7 Consultation
Attachments: OSMRE Section 7 Consultation and MOU Update - 11-28-17.docx

Hi Glenda - can we meet next week to discuss this ... as of now I am pretty much open Monday, Tuesday morning, and Thursday. Have a great weekend, I will be out tomorrow. Harry

----- Forwarded message -----

From: **Payne, Harry** <hpayne@osmre.gov>
Date: Tue, Nov 28, 2017 at 9:56 AM
Subject: Briefing Memo for ASLM - Section 7 Consultation
To: Glenda Owens <gowens@osmre.gov>

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Information Memorandum

To: Katharine S. MacGregor, Acting Assistant Secretary, Land and Minerals Management

From: Glenda Owens, Acting Director, OSMRE

Date: December 1, 2017

Subject: Reinitiation of Endangered Species Act Section 7 Consultation

Background: On April 13, 2017, the Office of Surface Mining and Enforcement (OSMRE) requested reinitiation of formal programmatic consultation with the U.S. Fish and Wildlife Service (Service), on OSMRE's implementation of Title V of the Surface Mining Control and Reclamation Act (SMCRA). During this reinitiated consultation, OSMRE and State Regulatory authorities are relying upon the 1996 Biological Opinion and Conference Report (1996 BiOp) to obtain incidental take coverage for the issuance of SMCRA permits in Primacy states.

In addition to the formal consultation, OSMRE and the Service are (b)(5)-Deliberative Process

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Consultation Status: OSMRE and the Service have established teams for completing consultation, including representatives from management, program staff, and the Office of the Solicitor (SOL). The OSMRE team completed an initial draft of the biological assessment (BA) and distributed the draft BA to the SOL for review. The solicitors reviewed the revised BA and returned it to OSMRE on October 26, 2017. OSMRE has addressed these additional solicitor comments as of November 22, 2017 and plans to circulate the draft BA within the Department for review and any necessary revisions before being approved for release to the IMCC member states for review and comment. Copies of all material referenced in the draft BA have been uploaded to Google Docs and will also be provided to the States concurrent with the draft BA.

OSMRE and the Service met with IMCC member states in St. Louis on July 19, 2017, to discuss the Section 7 programmatic consultation process and the draft MOU. During that meeting, and on a subsequent call on July 26, the State RAs expressed several concerns and objections to the need for a new Section 7 consultation on Title V of SMCRA. Those concerns were further elaborated in an August 14, 2017, letter sent to the Deputy Assistant Secretary for Land and Minerals Management.

OSMRE has provided ASLM with a draft response to the IMCC letter, which is being reviewed within the Department.

(b)(5)-Deliberative Process

[REDACTED]

[REDACTED]

(b)(5)-Deliberative Process

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In addition we have completed a draft of our responses to the IMCC comments on the MOU, which will be provided with the revised MOU to management for further review. Upon approval by the Department, the draft MOU, in addition to the draft BA, will be provided to the IMCC member states for further review and comment.

Proposed Next Steps: The draft Biological Assessment, MOU and elevation procedures, and responses to IMCC comments will be uploaded to DTS for further review within the Department the week of December 4, 2017. Once approved within the Department all of these documents will be provide to the IMCC along with the decision letter on moving forward with consultation.

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From: Glenda Owens, Acting Director, OSMRE

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